

The Constitution of India and History of Minority

From the appointment of **Ms. Smriti Irani** as the head of Minority Commission, to the speech of Chief of Gujarat Congress, Jagdish Thakore claiming that Muslims have the first right to the national resources, and Bajrang Dal painting the signages of Congress Office as *Hajj House*, the debate on appeasement of Muslims in the name of protection of Minorities have reached to its peak overshadowing the recent killings of Hindus not only elsewhere in the name of Islam, but also in Gujarat, where a big conspiracy was unearthed after the killing of Kishan Bharwad for a Facebook post considered degrading to Islam by the fanatics.

Dr. Ambedkar who headed the Drafting Committee of the Constitution of India, in his famous book ***Pakistan or the Partition of India (1945)*** deliberates in detail about the way Hindus and Muslims would look at the structure of Independent India in terms of its secular ethos. Dr. Ambedkar starts with the reference to **Lahore Resolution of 26th May, 1940** where Muslim League placed on record the demand for a federal India with no Central Government, essentially implying that *the areas in which Muslims predominate shall be incorporated into Independent States*. This idea is nothing but an extension of what is being spoken about now a days - *India as nation of states that political leaders talk about and the Muslim area concept that our media speaks about*. In the same book, in the chapter, ***Hindu Alternative to Pakistan***, Ambedkar quotes **Savarkar** from his speech in Calcutta Session of Hindu Mahasabha in December, 1939-

'When once the Hindu Maha Sabha not only accepts but maintains the principles of "One Man, One Vote" and the public services to go by merit alone added to the fundamental rights and obligations to be shared by all citizens alike irrespective any distinction of Race or Religion..'

Ambedkar believes that such an idea of equity will be not acceptable to the Muslim India and concludes that Partition is a painful necessity for peace. Dr. Ambedkar traces this back to 1892, two speeches urging the Muslims to stay away from the Congress and the religion- based nomination to the governing council.

All the differences Congress might have had with Savarkar, notwithstanding, this is the One Man, One Vote, we find the guiding theme in the Constituent Assembly, with the clear assumption that all those who wanted special privileges based on their faith have already got a separate nation to run as a Islamic state. This reflects in the debates in the Constituent Assembly which are quite eye-opening. Initial constitution of the Constituent Assembly offered equal participation when 290 members were nominated for the first meeting of Constituent Assembly on 9th of December, 1946 out of which 80 were Muslims as against 163 Hindus. This composition did change as the CA was boycotted by the nominated Muslim League members. On 13th December, 1946, Objective Resolution was moved by Pt. Jawahar Lal Nehru which offered to assure equality of status, Justice, and opportunity. The resolution was unanimously adopted on 22nd of January, 1947. In light of this, an Advisory Committee on Fundamental Rights and Minorities was created under Sardar Vallabh Bhai Patel. A Christian leader, HC Mookerjee was appointed the head of sub-Committee on the Minorities. On 29th April, 1947, the amendments ensuring equality before the law, the constitution, in educational institutions were passed. Please note that till this time the term minority did not refer to the Muslims.

Today when Gujarat Congress head repeats the statement of Erstwhile-Prime minister of Congress under UPA, Dr. Manmohan Singh that Minorities, particularly Muslims have the first right to National resource and fanatics like Owaisi demand reservations based on Religion for the Muslims, it is imperative that we looked at what happened then. When the matter of any separate reservation for minorities first came for debate in August 1947, when Nation was going through the pain of a blood-soaked partition, it was decided to postpone this discussion, as Gobind Ballabh Pant, suggested, "Your safety lies in making yourself an integral part of the organic whole which forms a real genuine State."

Sardar Patel, always straight-forward, said, "Here, we are building a nation and we are laying the foundation of One Nation, and those who choose to divide us again and sow seeds of disruption will have no place, no quarter here."

Even **Jawahar Lal Nehru** plainly said on Communal Quota In the debate on 26th May, 1949, "A safeguard of this kind would have some point where there was autocratic or foreign rule, it would

*enable a monarch to play one community off against the other.”, **Nehru** added, “It is a bad thing for a small group or minority to make it appear to the world and the majority that ‘we wish to keep apart from you, that we do not trust you, that we look to ourselves and that therefore we want safeguard and other things.’”*

It is an irony that the leaders of his own party decided to do precisely that- playing one community off against another. In modern India where fanning Islamic fanaticism has become a tool for polarising Muslim vote, it is also pertinent to know what Nationalist Muslim leaders spoke at that time when Owaisi’s Razakars were fighting to establish Islamic state under Pakistan in Andhra Pradesh.

Tajamul Hussain, from Patna, was the most vocal against this minority appeasement move. He said, *“We are not a minority. The term ‘minority’ was a British creation. The British created minorities. The British have gone and minorities gone with them. Remove the term ‘minority’ from your dictionary. There is no minority in India.”*

He quotes Disraeli and says- ‘ Disraeli could never have become the Prime Minister of England had there been a reservation of seats for the Jews in British parliament...National Interest must always be placed over group interests. The minorities should to the time when they could take their place not under communal or racial labels, but as part and part of the whole Indian Community.’

Tajamul Hussain had joined the Congress in 1921, and was elected to Bihar Legislative Assembly in 1935. He was on Patna City Municipal Board for Fifteen years.

Opposing **Mr. JH Lari**’s proposal for electoral reservation for Muslims (reminds me of Owaisi wanting Muslim CM in Uttar Pradesh Elections), Mr. Naziruddin Ahmed said, “Reservation is a kind of protection which always has a crippling effect upon the object protected.” He added, “The Muslims should be realists as they are expected to be and they must not have their eyes on the past...If they show faith in the great Hindu community, I am sure they will treat them with fairness and Justice.”

Dr. HC Mookerjee, a Christian, and also head of Advisory Committee for Minorities, said, “If our idea is to have a secular state it follows inevitable that we cannot afford to recognise minorities based upon religion.”

Begum Aizaz Rasul added opposing Muslim reservation proposed by Mr. Ismail, *“To my mind reservation is a self-destructive weapon which separates minorities from majorities for all time. It gives no chance to the minorities to win the trust of majority.”*

Begum Rasul added, *“It is very necessary that the Muslims living in this country should throw themselves entirely upon the goodwill of the majority community, should give up separatist tendencies and throw their full weight in building up a truly secular state.”*

Begum Aizaz Rasul had joined electoral politics in 1937 from UP and later occupied the position of leader of Opposition in UP Assembly (1950-1952).

It is really surprising and sad that the same UP is now hotbed of communal politics with parties like Samajwadi Party and AIMIM as new-entrant in UP politics amplifying Muslims separatism. For the Congress it was a journey downhill all along. The party which rejected minorityism wholeheartedly, eventually polarised the Nation with Rajiv Gandhi overturning Shah Bano judgement. While we are made to believe that Muslims defined as Minority and granted special provision was a part of constitution, the fact remains that even something like Minority Commission is a child of Nineties.

In May, 1992, **Sitaram Kesari** of the Congress moved the bill to constitute National Council for Minorities, with quasi-constitutional powers. This bill was strongly opposed by BJP leader **LK Advani** who quoted Patel from CA debates opposing the bill, *“ Sardar Patel said: ‘In the long run it*

will be in the interest of all to forget that there is anything like a majority or minority in this country.”

When confronted by the Congress about the creation of a non-statutory body under Janata Party in 1978, Advani regrets being a part of it. Ramvilas Paswan and Digvijay Singh supported the bill. Eventually the bill was passed and NCM took the form of a Statutory body, which as we have seen is a blatant contradiction to the thoughts and dreams of makers of our Constitution. In October 1993, Muslims, Sikhs, Christians, Buddhists and Parsis were defined by the Government of India as Minorities. Jains were added to the list in January, 2014. It has been a slippery slope from thereon. The Chairman of Delhi Commission of Minorities, Zafarul Islam was off late caught writing to invite foreign islamic nations to invade India like an avalanche, during the thick of pandemic and anti-CAA protests.

Now we have parties like AIMIM (All India Majlis-i-Ittahihaad-i-Muslamin) translating to the All India Convention for the Unity of Muslims riding on these separatist tendencies fanned by an out-of-power Congress and we remember the statement of Maulana Hasrat Mohani in the Constituent Assembly- *“Let us once and for all decide that we will not have any communal parties among us. If we have Muslim party, Christian Party and Sikh Parties, then what will be the result?”*

When the Parsis refuse divisive communal reservation, a Sikh Sochet Singh says - *‘I am happy that the undemocratic demands regarding special safeguards, reservations, weightage and protections have not been taken into account.’*; I cannot but think with some sadness about where we have come from where we started from.

And while Congress President leaves nothing to interpretation when he stresses further on focussing only Muslim electorate as Minority, we are reminded of the statement by **Sardar Patel**-

‘A minority that could force the partition of the country is not a minority at all. Why do you think that you are a minority? If you are a strong, well-knit and well-organised minority, why do you want to claim safeguards, why do you want to claim privileges?’

I would hazard a guess that current faux-Gandhi leadership of Congress would not have allowed even Patel to remain in the Congress. Let us leave the modern propaganda of unscrupulous politicians of today aside and try to revert to the essential wisdom of big men who made the modern India. Let us go back to the drawing boards on which our Constitution was written.